

TITLE 39

Public Utilities and Carriers

CHAPTER 39-12

Motor Carriers of Property

SECTION 39-12-13

§ 39-12-13 Alteration of common carrier rates by the administrator. – (a) The administrator, upon complaint of any common carrier by motor vehicle or of any person, or upon his or her own motion, after a hearing, may allow or disallow any filed or existing rates and may alter or prescribe the rates of common carriers in connection with the transportation of any or all classes of property to any or between any and all points within the state and any service connected therewith in accordance with the legal standards provided in this chapter. Whenever, upon complaint or in any investigation on his or her own initiative, the administrator, after a hearing, shall be of the opinion that any rate or charge collected, charged, or demanded by any common carrier by motor vehicle, or any classification, rule, regulation, or practice whatsoever of the carrier affecting the rate, charge, or the value of the service thereunder, is or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, he or she shall determine and prescribe the lawful rate or charge, or the maximum and/or minimum rate or charge thereafter to be observed or the lawful classification, rule, regulation, or practice thereafter to be effective.

(b) The administrator shall implement a gasoline price emergency surcharge program whereby a person licensed under this chapter to perform "drive away-tow away operations" shall be permitted to impose and collect a surcharge, during such times and under such conditions wherein the administrator determines that the average price of gasoline in this state exceeds one dollar and fifty cents (\$1.50) per gallon. Provided, that the administrator shall have discretion as to when to permit such surcharge to be imposed, except that the administrator shall not impose the surcharge at any time when the average price of gasoline, as determined by the administrator, does not exceed the price of one dollar and fifty cents (\$1.50) per gallon.

(c) On or before September 1, 2001, the administrator shall implement a diesel price emergency surcharge program whereby a person licensed under §§ 39-3-3, 39-3-3.1, or 39-3-4 to perform as a "common carrier of persons and/or property upon water between termini within the state" shall be permitted to impose and collect a surcharge, not to exceed three dollars (\$3.00) for each passenger and vehicle carried, during periods when it is determined that the average retail price of diesel fuel in this state exceeds one dollar and twenty cents (\$1.20) per gallon.